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SIPDIS

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SUBJECT: VIETNAM: FY2005 LAW ENFORCEMENT TIP PROPOSAL

REF: A. 04 State 248020

1. (SBU) Post received one project in response to reftel Request for Proposal. The proposal came from UNODC in Vietnam, and is Phase 2 of the existing USG-funded UNODC anti-trafficking project. Phase 1 of the UNODC project has been an exceptional success: a recent internal audit by UNODC ranked it first among more than 40 UNODC projects worldwide. Phase 2 would capitalize on the success of Phase 1, and use all of the valuable infrastructure Phase 1 has already established. Most importantly, funding Phase 2 would allow UNODC to maintain the current Vietnamese project officers in their positions. These officers were identified by the UNODC auditor as the project's greatest asset.

2. (U) Post will send the entire UNODC project proposal with the detailed budget to addressee offices by email.

BEGIN PROJECT SUMMARY:

Title: Strengthening of the Legal and Law Enforcement Institutions in Preventing and Combating Trafficking in Persons in Viet Nam - Phase II of FS/VIE/03/R21

JUSTIFICATION

Problem to be addressed:

Trafficking in human beings is indeed seen as an increasing problem in Viet Nam. There is a general lack of awareness within the law enforcement and judicial communities about human trafficking and the phenomenon as part of organized crime as well as processes, modus operandi and networks involved in the activity.

During phase one of the project approximately 100 officers in four provinces within the law enforcement and the judicial communities were trained and now possesses a basic knowledge of combating human trafficking.

The second phase of the project will on one hand increase the knowledge of officers who already have a basic knowledge and on the other hand provide the basic knowledge to more officers in additional provinces. After the second phase Vietnam would hence have around 100 officers with in-depth knowledge of human trafficking and around 100 officers with a basic knowledge.

Furthermore, with the adoption by the GVN of a national action program on human trafficking, technical assistance is needed to support implementation of it. The action program is of a general nature and without proper cooperation mechanisms at central and local level the action program will not reach its full effect. Since this is Viet Nam's first action program on human trafficking there is a lack of knowledge on how to implement it.

Gender issues

According to research conducted in by Save the Children, IOM and UNICEF and Ministry of Public Security, the victims of trafficking in Viet Nam are most often women aged up to 45 and girl children around the age of 12-17 years. They are often compelled by family pressure to assist the family in poor economic or social circumstances. This family pressure has its basis in the traditional culture of Vietnam with its distinct gender roles. Indeed, trafficking is also a gender issue.

Given the nature of trafficking in persons and the fact that a majority of victims are female, a significant proportion of participants in all project activities should include women in order to ensure gender sensitivity. The female participants are preferably from all ranks and levels of administration. This applies in particular to law enforcement activities where there is a clear need to involve female officers in anti-trafficking work. In phase I of the project, female participation in the training courses was 22 percent and this percentage should be kept or exceeded in Phase II of the project as well.

In the training activities, attention is, as in Phase I, to be paid to gender and child sensitive investigation and

prosecution techniques. The same gender and child sensitive approach needs to be adopted in all activities undertaken. This is also where female participation is important.

Expected End Situation of the Project

The following are the expected outputs at the end of the project:

- The capacity of Viet Nam to ratify/accede to and implement the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Particularly Women and Children and the Protocol against the Smuggling of Migrants by Land, Sea and Air will be increased.
- Awareness among law enforcement and criminal justice system on trafficking in and, to a certain extent, smuggling of persons as phenomena of organized crime will be further enhanced.
- Knowledge base on law enforcement methods, sharing of information and international cooperation used to tackle trafficking in persons will be further enhanced.
- Knowledge base on prosecution of trafficking cases will be further increased.
- Cooperation among Viet Nam and key countries of destination of trafficking will be further enhanced.
- Improved cooperation between national agencies working with human trafficking, including institutional improvement of the central coordination office.
- Enhanced practical experience in using obtained technical skills from project activities through application of these skills in actual case investigation, prosecution and trial.
- An assessment report on legislation published; training material and tools developed; in-service training conducted and legislative assistance provided.

Intended Beneficiaries:

As a source country, the main direct beneficiaries of the project include the participating ministries and agencies as well as their staff who participate in the activities. Moreover, as a consequence of increased capacity to prevent and tackle the problem, the beneficiaries may include the countries of destination. Last but not least, the beneficiaries are those people who are able to avoid being trafficked as a consequence of improved awareness on the side of the law enforcement; and those victims whose cases are successfully dealt with within the criminal justice system as a consequence of improved capacity.

Project Strategy:

In order to support the reduction of the number of trafficked persons, the strategy of the project is to increase the pool of national experts on trafficking in persons as a phenomenon of organized crime within the sectors of law enforcement and judiciary.

This national expertise will be accomplished through networking, sharing of information and training on trafficking in persons with a focus on organized crime.

This will increase the capacity of Viet Nam to ratify/accede to and implement the TOC and sign, ratify/accede to and implement the Trafficking Protocol and Smuggling Protocol.

Execution and Implementation Arrangements:

The duration of the project is 2 years.

UNODC will execute the project through the current UNODC Viet Nam Country Office with technical backstopping of substantive matters by the Anti-Human Trafficking Unit in UNODC HQ in close cooperation with the South-East Asia and the Pacific Section of UNODC HQ, which is responsible for the overall coordination and management. The project document and its objectives are in line with the UNODC Strategic Program Framework on Drugs and Crime for Vietnam 2003-2007 and with the guiding principles of UNODC's Operational Priorities.

As specified in the UNODC-UNDP Working Agreement effective from 1 January 2004, the UNDP Office for Viet Nam will provide the UNODC Office for Viet Nam with the financial and administrative services which are required for the implementation of the different activities of the project. An MOU signed by the local Representatives of UNDP and UNODC will detail the terms under which UNDP Viet Nam will provide the project with the services mentioned above.

Representatives of the implementing agencies and from the Supreme People's Court (SPC) and the Supreme People's Procuracy (SPP) will form the Project Management Board. The board consists of senior representatives of each of the agencies, UNODC Viet Nam, the International Technical Advisor, the National Project Director and National Project Coordinator. It meets as required to review project

progress and advise or take important project-related decisions that ensure smooth project implementation.

Representatives of the Ministry of Foreign Affairs (MOFA), the Ministry of Labour, Invalids and Social Affairs (MOLISA), Vietnam Lawyers' Association (VLA), National Universities of Hanoi and Ho Chi Minh City, Police Academy and Border Army Training School will also be involved in project activities.

A National Project Director will be appointed to oversee the implementation of the project. S/he embodies the Executing Agency's responsible for achieving project objectives and the use of project resources. An International Technical Advisor will be recruited to backstop the project and provide technical advice. A National Project Coordinator will be recruited to coordinate the implementation in close consultation with the executing and implementing agencies. An administrative staff will be recruited to assist in the implementation.

Counterpart Support Capacity:

Collaboration, networking and information sharing among all participating ministries and agencies lead by the central coordination office, Ministry of Public Security are among the main outputs of the project; the tradition of information sharing among or within different ministries and agencies is lacking. There is a lack of cooperation, data and information exchange, which results in insufficient, partly contradictory information and statistics. Still, sharing of information is crucial to effectively tackling the problem of trafficking in persons.

The above considered, the lead implementing agency, the Ministry of Public Security, is undoubtedly a strong Ministry and therefore in a very good position to lead the implementation of the project, including information exchange, with the support and collaboration of the other participating ministries and agencies. However, MPS has relatively little practical experience in human trafficking project implementation. Therefore, close support from the UNODC Viet Nam Country Office is required.

The Ministry of Public Security, the Government of Viet Nam will provide in-kind support, totaling 450 million Vietnamese Dong, (USD 28,662).

CRIME PREVENTION OBJECTIVE, IMMEDIATE OBJECTIVE AND OUTPUTS:

CRIME PREVENTION OBJECTIVE:

To reduce the number of trafficked persons in and from Viet Nam.

IMMEDIATE OBJECTIVE: The capacity of government law enforcement, prosecution and other criminal justice institutions as well as civil society responses to prevent, investigate and prosecute cases of human trafficking has been strengthened in line with the requirements of the Trafficking Protocol, Supplementing the UN Convention against Transnational Organized Crime.

OUTPUTS:

Output 1: The capacity of the central coordination office and specialized anti-human trafficking units strengthened in accordance with the newly approved "National Action Programme on Human Trafficking 2004-2010."

Achievement indicator: Mandate and institutional capacity of the newly established central coordination office assessed and recommendations on strengthening cooperation mechanisms between coordination office and other ministries as well as specialized police units at province level drafted. Equipment provided. Two annual workshops to review the activities, individual cases and implementation of the National Action Programme in 2005 and 2006 conducted.

Output 2: A comprehensive legal assessment report on existing Vietnamese legislation in the light of the Smuggling Protocol to ascertain the capacity of the State to ratify/accede to and implement the Protocol and to support the design of legislative and other measures required to ratify/accede to and subsequently implement the Protocol.

Achievement indicator: Legal assessment report available.

Output 3: Existing training material modified and expanded upon, including drafting of a "Human Trafficking Handbook for Law Enforcement Officers," a "Human Trafficking Handbook for Prosecutors and Judges" and a "Toolkit on Human Trafficking," for the law enforcement, immigration and the judiciary to combat and punish trafficking in persons. Additional material will be at a higher and more

detailed/specific level for each organization as well as include immigration issues such as document fraud, smuggling of migrants etc. All material will be included in the present curricula at the Police Academy, Prosecution College, Border Army Academy and Court College.

Achievement indicator: Training material available and confirmation letter(s) of inclusion in curricula received.

Output 4: Four in-service training sessions conducted for law enforcement, immigration, prosecution and judges as well as other relevant officials, including representatives of the civil society, using the material developed under output 13. Four advanced in-service training sessions conducted.

Achievement indicator: Training evaluation report available.
Output 5: International activities conducted to increase cooperation with key-countries in the region, including participation in international meetings as well as study tour(s).

Achievement indicator: Report of the international activities available.

Output 6: By the end of the project, enhanced practical experience in using obtained technical skills from project activities through application of these skills in actual case investigation, prosecution and trial and with supervision from the National Project Coordinator

Achievement indicator: Judgements by courts and police reports (summaries) received.

END PROJECT SUMMARY.

13. (SBU) To capitalize on existing staffing and momentum from Phase 1, it will be necessary to have this project funded and running by August 1, 2005.

MARINE